

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, October 17, 2024 @ 6:30 PM**

Regular Meeting is called to order at 6:30 PM.

The Board and members of the public recite the pledge of allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Mayor Larry Fox, Liz Hernandez, Councilperson Kristen Mahoney (arrived late), Meredith DeMarco, Dennis Mayer, Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan

Absent: William Psiuk

Also Present: Mark Kitrick, Esq. Gerald Freda, PE, PP, and Christine Bell, PP, AICP

Chair Mayer advises the public regarding the Board's policies and procedures for the night's proceedings.

Approval and Adoption of Meeting Minutes from the Regular Meeting of September 19, 2024

– Motion to adopt offered by Chair Dennis Mayer, seconded by Robert Mehnert. All eligible members present in favor.

Resolutions Memorialized: None.

Applications Considered:

LUB24/09 (Use Variance to Administer Permanent Makeup Services) – Marked with Beauty, LLC – Block 45, Lot 2 – 705 Brinley Avenue – Applicant is seeking use variance relief to administer permanent makeup services within the existing cosmetic facility with no site changes being proposed at this time.

****IT IS NOTED THIS INVOLVES A USE VARIANCE AND COUNCILPERSON MAHONEY AND MAYOR FOX CANNOT PARTICIPATE; THEREFORE, THEY LEAVE THE MEETING ROOM****

It is indicated the notice has been reviewed and the Board can accept jurisdiction.

Applicant is represented by Mark Steinberg, Esq.

Mr. Steinberg indicates he does not feel that permanent makeup falls within the definition of a tattoo parlor.

Megan Tweer – owner/operator, Alison Coffin, PP, AICP – Planner are both sworn in with Gerald Freda and Christine Bell.

The current business Lash & Brow Boutique provides lash extensions and brow shaping. Ms. Tweer indicates she would like to offer permanent makeup. There is no proposed body art or tattooing. Permanent makeup is a pigment and semi-permanent, unlike a tattoo. Permanent makeup requires a State Cosmetology License, and it is subject to Board of Health Licensing and inspection.

The needles used are for one-time use and are disposed of in a sharps container similar to that of a doctor's office and there is a special pick-up.

There are currently 2 beds proposed at the site where Lash & Brow had 3 beds.

This is by appointment only, there are 2 employees and anywhere from 3-4 customers per day. The hours of operation are proposed to be from 10:00 AM – 5:00 PM Monday through Friday and sometimes on Saturdays. Currently there is a waiting list of clients.

Open to the Public for Questions – None appeared.

Alison Coffin, PP, AICP – qualified and accepted – Ms. Coffin indicates permanent makeup is under a different license. The GBW Zone permits salons/beauty shops – this use is not specifically listed; however, she proceeds to explain how she feels the use advances zoning and this site is particularly suited and the use is not permitted nor is it prohibited by ordinance. Ms. Coffin indicates the benefits being provided substantially outweigh any detriment.

Open to the Public for Questions – None appeared.

Open for Public Comment – seeing none this portion is closed.

Based upon the testimony provided, Chair Dennis Mayer makes a motion to approve the application as presented, seconded by Meredith DeMarco.

Those in Favor: Liz Hernandez, Meredith DeMarco, Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, and Dennis Mayer

Those Absent: William Psiuk

Those Recused: None.

Those in Opposition: None.

Those Ineligible: Councilperson Kristen Mahoney & Mayor Fox

****COUNCILPERSON KRISTEN MAHONEY & MAYOR FOX RETURN****

LUB24/07 (Bulk Variances for Side Yard Setback for a proposed 2nd floor addition) – Arlette Matt – Block 18, Lot 19 – 512 Park Place Avenue – Applicant is proposing a second-floor addition over the existing first floor at the rear of the existing dwelling.

It is indicated the notice has been reviewed and the Board can accept jurisdiction.

Mary Hearn, Architect & Arlette Matt (owner) are both sworn in with Gerald Freda & Christine Bell.

Arlette Matt indicates she has lived in Bradley for over 5 years. She has been at 512 Park Place Avenue since last year and needs more living space.

Mary Hearn, AIA – accepted by the Board – Ms. Hearn indicates this is a small lot as it is undersized and narrow. There is an existing 2-story home, and the owner would like to add a 2nd story over the existing 1-story portion in the rear.

The home is not centered on the lot; therefore, this proposal requires a side yard setback variance so a variance of 20 ½ inches is required.

There are existing nonconformities which are not being made worse as they are keeping the existing 2.3-foot setback for the proposed 2nd floor. The existing house is now 1,100 s.f. and if approved it will be 1,386 s.f. Seeking to add a study and full bath on the 2nd floor.

There is no existing basement; however, the crawl space foundation can support the new addition, and the crawl space is accessed from the exterior of the home. The existing attic is used for storage with pull-down stairs.

The owners would like a cathedral ceiling over the master bedroom.

Gerald Freda, PE asks if gutters can be added to the front of the home connected to pop-up with perforated pipe. It is agreed to be installed by the applicant.

Meeting is open to the public for questions – None. Meeting is open to the public for comment – None.

Based upon the testimony provided, Chair Dennis Mayer makes a motion to approve the application with the installation of the gutters, perforated pipe, and pop-up emitter to be coordinated with Gerald Freda during compliance, seconded by Kelly Reilly-Ierardi.

Those in Favor: Mayor Larry Fox, Liz Hernandez, Councilperson Kristen Mahoney, Meredith DeMarco, Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, and Dennis Mayer

Those Absent: William Psiuk

Those Recused: None.

Those in Opposition: None.

Those Ineligible: None.

LUB24/08 (Bulk Variances for the proposed demolition of the existing dwelling and construction of a new 2-story dwelling) – Jinn Fong – Block 17, Lot 10 – 401 Newark Avenue – The Applicant is proposing to remove the existing dwelling and construct a new 2-story dwelling requiring variances for building coverage, front yard setback, side yard setback, rear yard setback, building height, driveway width, driveway distance from intersection, and for pre-existing nonconformities relative to lot size.

****LIZ HERNANDEZ LIVES WITHIN 200 FEET OF THE PROPERTY; THEREFORE, SHE MUST RECUSE HERSELF AND WILL NOT BE IN THE AUDIENCE****

It is indicated the notice has been reviewed and the Board can accept jurisdiction

Applicant is represented by Thomas J. Hirsch, Esq.

Mr. Hirsch indicates undersized lots are difficult. This is a young couple, and the property has been in the family for many decades, and they would like to make it their permanent residence.

The existing house is the most inconsistent in the neighborhood. This is a corner lot and Mr. Hirsch does not feel this will be a substantial detriment.

Joseph Kociuba, PE, PP, Roger Linn (owner), and Niall Carroll, AIA are all sworn in along with Gerald Freda and Christine Bell.

Roger – Jinn Fong’s husband – testifies that the property has been in the family for a long time since around 1984 – in 2018 Jinn was added to the title. This had primarily been a summer home over the years. It had only been rented once for approximately 1-2 months about 10 years ago but not since. They are hoping to make this an appropriate site for the whole family and intend to make it their primary residence. They hired a passive house architect & consultant as well as a landscape designer. There were many iterations and there were ultimately changes in the Ordinance during this time. A height variance is no longer required.

Open to Public Questions – None.

Joseph Kociuba, PE, PP – accepted – Mr. Kociuba describes the aerial exhibit and indicates the lot is undersized as it is 50 feet wide the depth is deficient and there is no ability to purchase surrounding properties.

There is an existing 1-story dwelling with existing nonconformities. This is an elevated property with 2-2 ½ retaining walls surrounding the property.

The average setbacks are discussed as well as the neighborhood setbacks.

The photos presented were taken by Joe K. on Monday/Tuesday.

Mr. Kociuba discusses the plot plan as well as parking and the setbacks being requested.

The landscape renderings are reviewed.

Dennis Mayer asks for the square footage to be reviewed again.

Kristen Mahoney – asks about the minimum driveway width and it is indicated it complies at 8 feet wide.

Open to Public:

Thomas J. Coan – 612 Third Ave – Questions the Averaging Plan and why a 3-block area as the Ordinance does not say that. Is Madison 1-Way? It is indicated not in this area. Mr. Coan asks if there was any consideration taken with regard to building coverage. Can the existing foundation handle a 2nd story? Joseph Kociuba indicates he does not know about the foundation as he is not the architect.

Niall Carroll, AIA – qualified and accepted – he is a certified passive house designer. He indicates they have worked 2 years on this design. He is familiar with the neighborhood and the existing house does not fit in with the character of the neighborhood due to size and mass. He describes the elements of a passive house as it uses less energy to heat/cool the building.

****THE BOARD TAKES A 10 MINUTE BREAK AND RETURNS AT 8:28 PM – ALL MEMBERS STILL PRESENT****

The floor plan is discussed.

Thomas J. Coan asks about the coverage of the sample homes shown. It is indicated that is unknown.

From floor to ceiling on the 1st floor is 9 feet, on the 2nd floor it is 8 feet and in some areas 10 feet.

Joseph Kociuba, PE, PP – provides the planning testimony with regard to the positive and negative criteria required and the special reasons he believes support the variance relief being requested. The size of the lot presents a hardship, and the beneficial planning used in the design promotes the goals of the Master Plan and promotes the purpose of the Zone Plan. This will be an ADA compliant home and will benefit any future occupants.

Meredith DeMarco indicates that coverage is an issue and asks if there were any designs for a smaller footprint.

Thomas Hirsch, Esq. describes the trade-offs, and this is what they believe is the best balance.

Thomas J. Coan – states using a 6.5-foot setback for a 3-block average is not in accordance with the Ordinance. He questions if they can build a conforming home. It is indicated yes, but not sure it would be livable.

Anthony Capone – 400 Newark – across the street thins it is an upgrade to the neighborhood – it provides 2 off street parking spaces and landscaping.

James Cunningham – 1009 Madison – fully supports the new home

John Mok – 119 Newark – applicants did years of research and hard work to come up with a green, ecofriendly home – in favor of the application

Jennifer Lee – 406 ½ Newark – friend of Jinn’s for over 40 years – in favor of the project

Lenore & Dan Cooperman – 413 Newark – in full support of the application

Thomas J. Coan – 612 Third Avenue – Green energy is interesting but could comply and he disagrees with the testimony provided.

Thomas Hirsch, Esq. provides a summation – they are barely over lot coverage, they are providing off street parking, improving some of the existing conditions. He asks the Board to balance the pros/cons and question whether there is a substantial detriment, and he requests the Board vote favorably.

Lauren Saracene provides comments.

Kristen Mahoney – questions the front yard setback and averaging – Gerald Freda explains.

Dennis Mayer – this is a very close neighborhood and there are a lot of homes that are nonconforming.

Based upon the testimony provided, Chair Dennis Mayer makes a motion to approve the application with the variances being requested, seconded by Deborah Bruynell.

Those in Favor: Robert Mehnert, Lauren Saracene, Meredith DeMarco, Mayor Larry Fox, Deborah Bruynell, Arianna Bocco, and Dennis Mayer

Those Absent: William Psiuk

Those Recused: Liz Hernandez

Those in Opposition: Kelly Reilly-Ierardi and Councilperson Kristen Mahoney

Those Ineligible: None.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, November 21, 2024 at 6:30 PM** which will also take place here in the Municipal Complex Meeting Room located at 701 Main Street, Borough of Bradley Beach. Please check our website for any updates regarding meeting location and/or access.

With no further business before the Board a motion to adjourn was offered by Chair Dennis Mayer moved and seconded by Robert Mehnert. All in favor. Meeting closed at 9:44 PM.

Minutes submitted by Kristie Dickert, Board Secretary